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UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CASE NO. <u>CR04-10231</u>	
United States of America PLAINTIFF	Peter Maggio et al <u>DEFENDANT</u>
Victor Wild	William White, James Merberg
	Scott Lopez, Elliot Weinstein
	Joseph Oteri, Joseph Tody
COUNSEL FOR PLAINTIFF	COUNSEL FOR DEFENDANT
JUDGE Wolf CLERK O'Leary	REPORTER Romanow

CLERK'S NOTES

DATES:	Sentencing Hearing
10/24/06	Court allows Motion to admit pro hac vice of Joseph Tody on behalf of the defendant Michael O'Neil. Court
	reviews the filings on behalf of each of the defendants with the parties. Court inquires as to each defendant
	whether they have read their PSRs and whether they are factually accurate other than the matters raised in the
	objections to the PSR. Court puts the defendant Maggio and his counsel on notice that it is considering an
	upward departure. Court goes over Maggio's objections to the PSR. Defendant Maggio takes the stand and is
	sworn. Government calls Sean Sacco - defendant takes the stand and is sworn. Government calls Louis
	Paradiso - defendant takes the stand and is sworn. Court makes the necessary rulings on the objections and
	calculates the guidelines as TOL 26, CH - IV, , 92-115 months custody, 24-36 months supervised release,
	\$12.5K - \$125K fine, 15,7214,860 restitution and \$1100 special assessment fee. Court excuses the remaining
	defendants for lunch and orders them back at 2:00 this afternoon. Court holds a closed hearing with regard
	to Mr. Maggio. Court seals this portion of the proceeding. Defendant calls ADA William Freeman - witness
	takes the stand and is sworn. Defendant Maggio takes the stand and is reminded he remains under oath.
	Court resumes after a brief lunch break under seal with the defendant Maggio. Courtroom is unsealed and
	continues with all counsel/defendants present. Government recommends a sentence of 92 months custody,
	36 months supervised release, \$1100 special assessment fee, \$15,731,860 restitution (joint & several liability)
	and \$12.5 fine for each count. Maggio requests a sentence of 60 months custody with recommendation that
	the defendant participate in BOP drug treatment program and give credit for time served sooner than the
	government's recommendation. Defendant Maggio addresses the court. Court reserves judgment on Maggio's
CR # <u>04-102</u>	sentence and now turns to the defendant, O'Neil. Court goes over the parties objections to the PSR. Court 231-MLW

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DATE	
10/24/06	reserves judgment on the loss amount and orders the parties to confer and report by 4:00 on October 27, 2006, whether they have decided on the total loss amount and what evidence the court should consider in determining the loss. Court makes the rulings that it can as to the defendant O'Neil. Court now turns
	to the defendant Howe. Based on the court's rulings to the parties objections to the PSR the guidelines are TOL 20, CH I, 33-41 months custody, 24-36 months SR, \$7.5K-\$75K fine \$4,282,200 restitution and \$800 SA fee. Court now calculates the guidelines for defendant Paradiso - court reserves ruling on this. Court orders the parties to make any supplemental filings shall be made by 4:00 PM on October 27, 2006.
	Hearing to resume on 11/3/06 at 9:30 AM. Court will take up Havey sentencing at that time as well.

| (CLKNOTES-P2 - 12/98)